



# House of Representatives

**File No. 681**

General Assembly

February Session, 2018

**(Reprint of File No. 501)**

House Bill No. 5515  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2018

**AN ACT CONCERNING THE AUTHORITY OF A ZONING  
COMMISSION TO REGULATE THE BRIGHTNESS AND ILLUMINATION  
OF ADVERTISING SIGNS AND BILLBOARDS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the 2018 supplement to the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2018*):

4 (a) The zoning commission of each city, town or borough is  
5 authorized to regulate, within the limits of such municipality, the  
6 height, number of stories and size of buildings and other structures;  
7 the percentage of the area of the lot that may be occupied; the size of  
8 yards, courts and other open spaces; the density of population and the  
9 location and use of buildings, structures and land for trade, industry,  
10 residence or other purposes, including water-dependent uses, as  
11 defined in section 22a-93, and the height, size, [and] location,  
12 brightness and illumination of advertising signs and billboards. Such  
13 bulk regulations may allow for cluster development, as defined in  
14 section 8-18. Such zoning commission may divide the municipality

15 into districts of such number, shape and area as may be best suited to  
16 carry out the purposes of this chapter; and, within such districts, it  
17 may regulate the erection, construction, reconstruction, alteration or  
18 use of buildings or structures and the use of land. All such regulations  
19 shall be uniform for each class or kind of buildings, structures or use of  
20 land throughout each district, but the regulations in one district may  
21 differ from those in another district, and may provide that certain  
22 classes or kinds of buildings, structures or uses of land are permitted  
23 only after obtaining a special permit or special exception from a zoning  
24 commission, planning commission, combined planning and zoning  
25 commission or zoning board of appeals, whichever commission or  
26 board the regulations may, notwithstanding any special act to the  
27 contrary, designate, subject to standards set forth in the regulations  
28 and to conditions necessary to protect the public health, safety,  
29 convenience and property values. Such regulations shall be made in  
30 accordance with a comprehensive plan and in adopting such  
31 regulations the commission shall consider the plan of conservation and  
32 development prepared under section 8-23. Such regulations shall be  
33 designed to lessen congestion in the streets; to secure safety from fire,  
34 panic, flood and other dangers; to promote health and the general  
35 welfare; to provide adequate light and air; to prevent the  
36 overcrowding of land; to avoid undue concentration of population and  
37 to facilitate the adequate provision for transportation, water, sewerage,  
38 schools, parks and other public requirements. Such regulations shall be  
39 made with reasonable consideration as to the character of the district  
40 and its peculiar suitability for particular uses and with a view to  
41 conserving the value of buildings and encouraging the most  
42 appropriate use of land throughout such municipality. Such  
43 regulations may, to the extent consistent with soil types, terrain,  
44 infrastructure capacity and the plan of conservation and development  
45 for the community, provide for cluster development, as defined in  
46 section 8-18, in residential zones. Such regulations shall also encourage  
47 the development of housing opportunities, including opportunities for  
48 multifamily dwellings, consistent with soil types, terrain and  
49 infrastructure capacity, for all residents of the municipality and the

50 planning region in which the municipality is located, as designated by  
51 the Secretary of the Office of Policy and Management under section  
52 16a-4a. Such regulations shall also promote housing choice and  
53 economic diversity in housing, including housing for both low and  
54 moderate income households, and shall encourage the development of  
55 housing which will meet the housing needs identified in the state's  
56 consolidated plan for housing and community development prepared  
57 pursuant to section 8-37t and in the housing component and the other  
58 components of the state plan of conservation and development  
59 prepared pursuant to section 16a-26. Zoning regulations shall be made  
60 with reasonable consideration for their impact on agriculture, as  
61 defined in subsection (q) of section 1-1. Zoning regulations may be  
62 made with reasonable consideration for the protection of historic  
63 factors and shall be made with reasonable consideration for the  
64 protection of existing and potential public surface and ground  
65 drinking water supplies. On and after July 1, 1985, the regulations shall  
66 provide that proper provision be made for soil erosion and sediment  
67 control pursuant to section 22a-329. Such regulations may also  
68 encourage energy-efficient patterns of development, the use of solar  
69 and other renewable forms of energy, and energy conservation. The  
70 regulations may also provide for incentives for developers who use  
71 passive solar energy techniques, as defined in subsection (b) of section  
72 8-25, in planning a residential subdivision development. The  
73 incentives may include, but not be limited to, cluster development,  
74 higher density development and performance standards for roads,  
75 sidewalks and underground facilities in the subdivision. Such  
76 regulations may provide for a municipal system for the creation of  
77 development rights and the permanent transfer of such development  
78 rights, which may include a system for the variance of density limits in  
79 connection with any such transfer. Such regulations may also provide  
80 for notice requirements in addition to those required by this chapter.  
81 Such regulations may provide for conditions on operations to collect  
82 spring water or well water, as defined in section 21a-150, including the  
83 time, place and manner of such operations. No such regulations shall  
84 prohibit the operation of any family child care home or group child

85 care home in a residential zone. No such regulations shall prohibit the  
86 use of receptacles for the storage of items designated for recycling in  
87 accordance with section 22a-241b or require that such receptacles  
88 comply with provisions for bulk or lot area, or similar provisions,  
89 except provisions for side yards, rear yards and front yards. No such  
90 regulations shall unreasonably restrict access to or the size of such  
91 receptacles for businesses, given the nature of the business and the  
92 volume of items designated for recycling in accordance with section  
93 22a-241b, that such business produces in its normal course of business,  
94 provided nothing in this section shall be construed to prohibit such  
95 regulations from requiring the screening or buffering of such  
96 receptacles for aesthetic reasons. Such regulations shall not impose  
97 conditions and requirements on manufactured homes having as their  
98 narrowest dimension twenty-two feet or more and built in accordance  
99 with federal manufactured home construction and safety standards or  
100 on lots containing such manufactured homes which are substantially  
101 different from conditions and requirements imposed on single-family  
102 dwellings and lots containing single-family dwellings. Such  
103 regulations shall not impose conditions and requirements on  
104 developments to be occupied by manufactured homes having as their  
105 narrowest dimension twenty-two feet or more and built in accordance  
106 with federal manufactured home construction and safety standards  
107 which are substantially different from conditions and requirements  
108 imposed on multifamily dwellings, lots containing multifamily  
109 dwellings, cluster developments or planned unit developments. Such  
110 regulations shall not prohibit the continuance of any nonconforming  
111 use, building or structure existing at the time of the adoption of such  
112 regulations. Such regulations shall not provide for the termination of  
113 any nonconforming use solely as a result of nonuse for a specified  
114 period of time without regard to the intent of the property owner to  
115 maintain that use. Such regulations shall not terminate or deem  
116 abandoned a nonconforming use, building or structure unless the  
117 property owner of such use, building or structure voluntarily  
118 discontinues such use, building or structure and such discontinuance  
119 is accompanied by an intent to not reestablish such use, building or

120 structure. The demolition or deconstruction of a nonconforming use,  
 121 building or structure shall not by itself be evidence of such property  
 122 owner's intent to not reestablish such use, building or structure. Unless  
 123 such town opts out, in accordance with the provisions of subsection (j)  
 124 of section 8-1bb, such regulations shall not prohibit the installation of  
 125 temporary health care structures for use by mentally or physically  
 126 impaired persons in accordance with the provisions of section 8-1bb if  
 127 such structures comply with the provisions of said section. Any city,  
 128 town or borough which adopts the provisions of this chapter may, by  
 129 vote of its legislative body, exempt municipal property from the  
 130 regulations prescribed by the zoning commission of such city, town or  
 131 borough; but unless it is so voted municipal property shall be subject  
 132 to such regulations.

133 Sec. 2. Section 8-2 of the 2018 supplement to the general statutes is  
 134 amended by adding subsection (d) as follows (*Effective July 1, 2018*):

135 (NEW) (d) Any advertising sign or billboard that is not equipped  
 136 with the ability to calibrate brightness or illumination shall be exempt  
 137 from any municipal ordinance or regulation regulating such brightness  
 138 or illumination that is adopted by a city, town or borough after the  
 139 date of installation of such advertising sign or billboard pursuant to  
 140 subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	8-2(a)
Sec. 2	<i>July 1, 2018</i>	8-2

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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### ***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

### ***Explanation***

The bill, which specifies that municipalities may regulate the brightness and illumination of certain advertising signs and billboards, has no fiscal impact. It is not anticipated to increase the cost of enforcing zoning regulations.

House "A" exempts certain billboards and advertising signs from municipal ordinances. This has no fiscal impact.

### ***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****HB 5515 (as amended by House "A")\*****AN ACT CONCERNING THE AUTHORITY OF A ZONING COMMISSION TO REGULATE THE BRIGHTNESS AND ILLUMINATION OF ADVERTISING SIGNS AND BILLBOARDS.****SUMMARY**

This bill specifically authorizes municipalities, through their zoning regulations, to regulate the brightness and illumination of advertising signs and billboards. The authorization applies to municipalities exercising zoning powers under CGS § 8-2.

But, the bill also exempts certain advertising signs and billboards from such a zoning regulation or ordinance on brightness or illumination. Specifically, it exempts signs or billboards if they (1) are not equipped to calibrate brightness or illumination and (2) were installed before the regulation or ordinance was adopted. (By law, zoning regulations may not prohibit the continuance of a nonconforming use that was legal when the regulations were adopted or amended (CGS § 8-2(a)).)

Existing law, unchanged by the bill, authorizes municipalities to (1) regulate the placing, erecting, or keeping of signs on or over sidewalks, streets, and other public places and (2) adopt zoning regulations concerning the height, size, and location of advertising signs and billboards (CGS §§ 7-148(c)(7) and 8-2(a)).

\*House Amendment "A" adds the provision grandfathering certain signs and billboards.

EFFECTIVE DATE: July 1, 2018

**COMMITTEE ACTION**

## Judiciary Committee

Joint Favorable

Yea 37 Nay 2 (04/02/2018)

## Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (04/25/2018)